

SENATE, No. 2241

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED JUNE 23, 2014

Sponsored by:

Senator THOMAS H. KEAN, JR.

District 21 (Morris, Somerset and Union)

Co-Sponsored by:

Senator Bateman

SYNOPSIS

Establishes trunk fighting as animal cruelty offense and crime of the third degree.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 7/11/2014)

1 AN ACT concerning animal cruelty and animal fighting, and
2 amending and supplementing chapter 22 of Title 4 of the Revised
3 Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. (New section) a. In addition to the provisions of R.S.4:22-
9 24, it shall be unlawful to engage in, facilitate, or provide the means
10 to engage in, trunk fighting. For the purposes of this section, “trunk
11 fighting” means the practice of enclosing two or more animals in
12 the trunk or any part of a motor vehicle for the purpose of the
13 animals attacking each other, and possibly fighting until one or
14 more of the animals are dead.

15 b. A violation of subsection a. of this section shall be a crime
16 of the third degree.

17
18 2. R.S.4:22-26 is amended to read as follows:

19 4:22-26. A person who shall:

20 a. (1) Overdrive, overload, drive when overloaded, overwork,
21 abuse, or needlessly kill a living animal or creature, or cause or
22 procure, by any direct or indirect means, including but not limited
23 to through the use of another living animal or creature, any such
24 acts to be done;

25 (2) Torment, torture, maim, hang, poison, unnecessarily or
26 cruelly beat, cruelly abuse, or needlessly mutilate a living animal or
27 creature, or cause or procure, by any direct or indirect means,
28 including but not limited to through the use of another living animal
29 or creature, any such acts to be done;

30 (3) Cause the death of, or serious bodily injury to, a living
31 animal or creature from commission of any act described in
32 paragraph (2), (4), or (5) **【, or (6)】** of this subsection, by any direct
33 or indirect means, including but not limited to through the use of
34 another living animal or creature, or otherwise cause or procure any
35 such acts to be done;

36 (4) Fail, as the owner or a person otherwise charged with the
37 care of a living animal or creature, to provide the living animal or
38 creature with necessary care, or otherwise cause or procure such an
39 act to be done; or

40 (5) Cause bodily injury to a living animal or creature from
41 commission of the act described in paragraph (4) of this subsection;

42 b. (Deleted by amendment, P.L.2003, c.232)

43 c. Inflict unnecessary cruelty upon a living animal or creature,
44 by any direct or indirect means, including but not limited to through
45 the use of another living animal or creature; or leave the living

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

- 1 animal or creature unattended in a vehicle under inhumane
2 conditions adverse to the health or welfare of the living animal or
3 creature;
- 4 d. Receive or offer for sale a horse that is suffering from abuse
5 or neglect, or which by reason of disability, disease, abuse or
6 lameness, or any other cause, could not be worked, ridden or
7 otherwise used for show, exhibition or recreational purposes, or
8 kept as a domestic pet without violating the provisions of this
9 article;
- 10 e. Keep, use, be connected with or interested in the
11 management of, or receive money or other consideration for the
12 admission of a person to, a place kept or used for the purpose of
13 fighting or baiting a living animal or creature;
- 14 f. Be present and witness, pay admission to, encourage, aid or
15 assist in an activity enumerated in subsection e. of this section;
- 16 g. Permit [or suffer] a place owned or controlled by [him] the
17 person to be used as provided in subsection e. of this section;
- 18 h. Carry, or cause to be carried, a living animal or creature in
19 or upon a vehicle or otherwise, in a cruel or inhumane manner;
- 20 i. Use a dog or dogs for the purpose of drawing or helping to
21 draw a vehicle for business purposes;
- 22 j. Impound or confine or cause to be impounded or confined in
23 a pound or other place a living animal or creature, and shall fail to
24 supply the living animal or creature during such confinement with a
25 sufficient quantity of good and wholesome food and water;
- 26 k. Abandon a maimed, sick, infirm or disabled animal or
27 creature to die in a public place;
- 28 l. Willfully sell, or offer to sell, use, expose, or cause or permit
29 to be sold or offered for sale, used or exposed, a horse or other
30 animal having the disease known as glanders or farcy, or other
31 contagious or infectious disease dangerous to the health or life of
32 human beings or animals, or who shall, when any such disease is
33 beyond recovery, refuse, upon demand, to deprive the animal of
34 life;
- 35 m. Own, operate, manage or conduct a roadside stand or market
36 for the sale of merchandise along a public street or highway; or a
37 shopping mall, or a part of the premises thereof; and keep a living
38 animal or creature confined, or allowed to roam in an area whether
39 or not the area is enclosed, on these premises as an exhibit; except
40 that this subsection shall not be applicable to: a pet shop licensed
41 pursuant to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who
42 keeps an animal, in a humane manner, for the purpose of the
43 protection of the premises; or a recognized breeders' association, a
44 4-H club, an educational agricultural program, an equestrian team, a
45 humane society or other similar charitable or nonprofit organization
46 conducting an exhibition, show or performance;

- 1 n. Keep or exhibit a wild animal at a roadside stand or market
2 located along a public street or highway of this State; a gasoline
3 station; or a shopping mall, or a part of the premises thereof;
- 4 o. Sell, offer for sale, barter or give away or display live baby
5 chicks, ducklings or other fowl or rabbits, turtles or chameleons
6 which have been dyed or artificially colored or otherwise treated so
7 as to impart to them an artificial color;
- 8 p. Use any animal, reptile, or fowl for the purpose of soliciting
9 any alms, collections, contributions, subscriptions, donations, or
10 payment of money except in connection with exhibitions, shows or
11 performances conducted in a bona fide manner by recognized
12 breeders' associations, 4-H clubs or other similar bona fide
13 organizations;
- 14 q. Sell or offer for sale, barter, or give away living rabbits,
15 turtles, baby chicks, ducklings or other fowl under two months of
16 age, for use as household or domestic pets;
- 17 r. Sell, offer for sale, barter or give away living baby chicks,
18 ducklings or other fowl, or rabbits, turtles or chameleons under two
19 months of age for any purpose not prohibited by subsection q. of
20 this section and who shall fail to provide proper facilities for the
21 care of such animals;
- 22 s. Artificially mark sheep or cattle, or cause them to be
23 marked, by cropping or cutting off both ears, cropping or cutting
24 either ear more than one inch from the tip end thereof, or half
25 cropping or cutting both ears or either ear more than one inch from
26 the tip end thereof, or who shall have or keep in the person's
27 possession sheep or cattle, which the person claims to own, marked
28 contrary to this subsection unless they were bought in market or of
29 a stranger;
- 30 t. Abandon a domesticated animal;
- 31 u. For amusement or gain, cause, allow, or permit the fighting
32 or baiting of a living animal or creature; or engage in, facilitate, or
33 provide the means to engage in, trunk fighting as defined in section
34 1 of P.L. , c. (C.) (pending before the Legislature as this
35 bill);
- 36 v. Own, possess, keep, train, promote, purchase, or knowingly
37 sell a living animal or creature for the purpose of fighting or baiting
38 that animal or creature;
- 39 w. Gamble on the outcome of a fight involving a living animal
40 or creature;
- 41 x. Knowingly sell or barter or offer for sale or barter, at
42 wholesale or retail, the fur or hair of a domestic dog or cat or any
43 product made in whole or in part from the fur or hair of a domestic
44 dog or cat, unless such fur or hair for sale or barter is from a
45 commercial grooming establishment or a veterinary office or clinic
46 or is for use for scientific research;
- 47 y. (1) Knowingly sell or barter, or offer for sale or barter, at
48 wholesale or retail, for human consumption, the flesh of a domestic

1 dog or cat, or any product made in whole or in part from the flesh of
2 a domestic dog or cat;

3 (2) Knowingly slaughter a horse for human consumption;

4 (3) Knowingly sell or barter, or offer for sale or barter, at
5 wholesale or retail, for human consumption, the flesh of a horse, or
6 any product made in whole or in part from the flesh of a horse, or
7 knowingly accept or publish newspaper advertising that includes the
8 offering for sale, trade, or distribution of any such item for human
9 consumption;

10 (4) Knowingly transport a horse for the purpose of slaughter for
11 human consumption;

12 (5) Knowingly transport horsemeat, or any product made in
13 whole or in part from the flesh of a horse, for the purpose of human
14 consumption;

15 z. Surgically debark or silence a dog in violation of section 1
16 or 2 of P.L.2002, c.102 (C.4:19-38 or C.4:19-39);

17 aa. Use a live pigeon, fowl or other bird for the purpose of a
18 target, or to be shot at either for amusement or as a test of skill in
19 marksmanship, except that this subsection and subsections bb. and
20 cc. shall not apply to the shooting of game;

21 bb. Shoot at a bird used as described in subsection aa. of this
22 section, or is a party to such shooting; or

23 cc. Lease a building, room, field or premises, or knowingly
24 permit the use thereof for the purposes of subsection aa. or bb. of
25 this section --

26 Shall forfeit and pay a sum according to the following schedule,
27 to be sued for and recovered, with costs, in a civil action by any
28 person in the name of the New Jersey Society for the Prevention of
29 Cruelty to Animals or a county society for the prevention of cruelty
30 to animals, as appropriate, or, in the name of the municipality if
31 brought by a certified animal control officer or animal cruelty
32 investigator:

33 For a violation of subsection e., f., g., u., v., w., or z. of this
34 section or of paragraph (3) of subsection a. of this section, or for a
35 second or subsequent violation of paragraph (2) or (5) of subsection
36 a. of this section, a sum of not less than \$3,000 nor more than
37 \$5,000;

38 For a violation of subsection l. of this section, for a first violation
39 of paragraph (2) or (5) of subsection a. of this section, a sum of not
40 less than \$1,000 nor more than \$3,000;

41 For a violation of paragraph (4) of subsection a. of this section,
42 or subsection c. of this section, a sum of not less than \$500 nor
43 more than \$2,000;

44 For a violation of subsection x. or paragraph (1) of subsection y.
45 of this section, a sum of not less than \$500 nor more than \$1,000 for
46 each domestic dog or cat fur or fur or hair product or domestic dog
47 or cat carcass or meat product sold, bartered, or offered for sale or
48 barter;

1 For a violation of paragraph (2), (3), (4), or (5) of subsection y.
2 of this section, a sum of not less than \$500 nor more than \$1,000 for
3 each horse slaughtered or transported for the purpose of slaughter
4 for human consumption, or for each horse carcass or meat product
5 transported, sold or bartered, or offered or advertised for sale or
6 barter;

7 For a violation of subsection t. of this section, a sum of not less
8 than \$500 nor more than \$1,000, but if the violation occurs on or
9 near a highway, a mandatory sum of \$1,000;

10 For a violation of subsection d., h., j., k., aa., bb., or cc. of this
11 section or of paragraph (1) of subsection a. of this section, a sum of
12 not less than \$250 nor more than \$1,000; and

13 For a violation of subsection i., m., n., o., p., q., r., or s. of this
14 section, a sum of not less than \$250 nor more than \$500.
15 (cf: P.L.2013, c.88, s.3)

16

17 3. This act shall take effect immediately.

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STATEMENT

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22 This bill establishes the animal cruelty offense of engaging in,
23 facilitating, or providing the means to engage in, trunk fighting as a
24 crime of the third degree. It defines trunk fighting as the practice of
25 enclosing two or more animals in the trunk of a motor vehicle for
26 the purpose of the animals attacking each other, and possibly
27 fighting until one or more of the animals are dead. The bill also
28 provides civil penalties for the offense.